

## Ryan Morrison

---

**From:** James Sherrard  
**Sent:** Wednesday, September 09, 2020 2:12 PM  
**To:** Ryan Morrison  
**Subject:** RE: 400 North St.

Ryan,

At this point I would request that the applicant respond to my email and address the concerns brought forth by the applicant to facilitate my review.



---

**James Sherrard | Stormwater Program Coordinator**  
Water Resources Division

235 Penny Lane | P.O. Box 878  
Burlington, VT 05401  
(802) 863-4501 office | (802) 503-7027 mobile  
[jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)

---

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

---

**From:** Ryan Morrison  
**Sent:** Tuesday, September 8, 2020 12:54 PM  
**To:** James Sherrard <[jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)>  
**Subject:** Re: 400 North St.

It does seem reasonable. I will certainly add this and your email to the applicant to the DRB packet for next weeks meeting. If you wish to provide additional detail in writing highlighting your concerns to the DRB, I can include that for their review.

---

**From:** James Sherrard <[jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)>  
**Sent:** Tuesday, September 8, 2020 12:35 PM  
**To:** Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)>  
**Subject:** RE: 400 North St.

Ryan,

This does seem to be a reasonable concern from Mr. Cleary. So you know, I reached out to the applicant on August 4<sup>th</sup> and have yet to receive a reply. My email to him is attached.

How do you suggest we proceed? I think we should take Mr. Cleary's outreach seriously and that would involve putting the onus on the applicant to provide a plan addressing these concerns.

James



James Sherrard | Stormwater Program Coordinator  
Water Resources Division

235 Penny Lane | P.O. Box 878  
Burlington, VT 05401  
(802) 863-4501 office | (802) 503-7027 mobile  
[jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

**From:** Joseph Campanella Cleary <[campanella.cleary@gmail.com](mailto:campanella.cleary@gmail.com)>

**Sent:** Tuesday, September 8, 2020 9:33 AM

**To:** Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)>; James Sherrard <[jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)>

**Subject:** 400 North St.

[WARNING]: External Message

Thanks,

A couple more questions:

Do you see anywhere in the proposal that shows the difference in elevation/grade between Dans Ct. and the lot, or explains how the driveway will be built? It will have to either be filled/graded up several feet, or have a very steep entry,

both of which concern us. I've attached photos which show Dan's court during a rainstorm. There are views looking North

and South West, where you can how our garage sits just below grade at the property line. You can see that water collects in this area to drain, and already overflows the curb

when the storm drain cannot handle the volume. A curb cut or driveway would drain all of this water directly into our backyard

and garage. If the city allows this, it will be an absolute failure of the new ADU standard to protect current homeowners.

I've copied James Sherrard on this to share my concerns about stormwater...

Even if the driveway is rejected, the whole area is on a grade, and we are very concerned about stormwater pouring into the back of our garage from the

roof in that area. The plans don't seem to address the grade of the property, or propose regrading (which seems to be necessary), or include any drainage

work that would minimize damage to our garage. Due to the grade, and current runoff problems, it seems that 5' is not enough of a setback in this area.

The garage is labeled "exterior shed" in the plans, but it is a full 2 car garage, and I have worked to stop water from flowing into

the east side of the building since we purchased our property. A large roof shedding water and snow in this area will absolutely

cause real damage to the building, in an area that is difficult to deal with, i.e. the garage wall is on the property line, so it is

impossible for me to install runoff mitigation, and difficult to repair.

From Dan's court to the 400 N. St property there is a 2-3' retaining wall, and then another 1' drop to our property, and continues

to grade down toward

Is there any other information that you can provide at this time? I'm very concerned about the application of the new ADU ordinance in an area that already has problems with runoff and stormwater.

Thanks,

Joe Cleary  
158 N. Willard St.

Begin forwarded message:

**From:** Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)>  
**Subject:** Re: 400 North St.  
**Date:** July 31, 2020 at 9:18:56 AM EDT  
**To:** Joseph Campanella Cleary <[campanella.cleary@gmail.com](mailto:campanella.cleary@gmail.com)>

Hi Joseph.

As long as the pre-existing lot coverage is legit (either pre-dating the current regulations or grandfathered), then the City Council allowed for there to be an excess in lot coverage up to 650 sf for accessory dwelling units - the new ordinance was passed several months ago.

Regarding the curb cut and increase in runoff, those are Public Works Dept. matters...

Contact Caleb Manna about the curb cut - [cmanna@burlingtonvt.gov](mailto:cmanna@burlingtonvt.gov)  
Contact James Sherrard about the runoff - [jsherrard@burlingtonvt.gov](mailto:jsherrard@burlingtonvt.gov)

You can submit written comments any time that the DRB will see, and/or attend the hearing.

DRB meetings are being held online (Zoom). This application is being heard on Sept. 15th. Here is the link to the page that will have the agenda and meeting link uploaded within a week or so of that meeting. <https://www.burlingtonvt.gov/DPI/DRB/Agendas>

I am working from home 3-4 days a week, so feel free to call me anytime. 802-496-7221.

Ryan Morrison  
Associate Planner  
City of Burlington

---

**From:** Joseph Campanella Cleary <[campanella.cleary@gmail.com](mailto:campanella.cleary@gmail.com)>  
**Sent:** Thursday, July 30, 2020 12:32 PM  
**To:** Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)>  
**Subject:** Re: 400 North St.

[WARNING]: External Message

Thanks! We do have a lot of questions, especially regarding the proposed expansion of (existing but non-conforming) lot coverage, the proposed driveway from Dan's Ct. which would require a curb cut into a 3' drop/retaining wall, and the exponential increase



in runoff our garage and property would receive as a result. I don't think that the drawings or plan show the change in grade from Dan's Ct westward, but it is a major concern that the additional impervious area, up to 57% coverage (as proposed), would cause flooding of our garage and property damage on an ongoing basis. I believe other neighbors have similar concerns.

For reference, we are at 158 N. Willard St. and are inquiring re: ZP# 21-0076CA/CU.

I'm also curious about the permit process during the pandemic and office closures. What is the timeline for permit processing, and how are DRB hearings being held?

Could you give me a call when you have a chance? I think that would be the most efficient way to address our questions, if we both have the proposal in front of us. 802.310.4666

Best,  
Joe Cleary

On Jul 30, 2020, at 7:27 AM, Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)> wrote:

Joe.

I am the person to contact with questions. Let me know if you have any.

Ryan Morrison  
Associate Planner  
City of Burlington

---

**From:** Joseph Campanella Cleary <[campanella.cleary@gmail.com](mailto:campanella.cleary@gmail.com)>

**Sent:** Wednesday, July 29, 2020 6:41 PM

**To:** Alison Davis <[adavis@burlingtonvt.gov](mailto:adavis@burlingtonvt.gov)>

**Cc:** Ryan Morrison <[rmorrison@burlingtonvt.gov](mailto:rmorrison@burlingtonvt.gov)>

**Subject:** Re: 400 North St.

[WARNING]: External Message

Thanks, Ali...is Ryan (whom you cc'd) the point person/planner to direct further questions?

best,  
Joe Cleary

> On Jul 28, 2020, at 10:23 AM, Alison Davis <[adavis@burlingtonvt.gov](mailto:adavis@burlingtonvt.gov)> wrote:

>

> Hi Joe,

> Attached is the application for 400 Street to remove garage, construct accessory dwelling unit in backyard, with driveway and parking reconstruction. Please let me know if you have trouble viewing the application.

>

> Thanks,

> Ali

>  
> Alison Davis  
> Zoning Clerk  
>  
> Department of Permitting and Inspections  
> City of Burlington  
> 645 Pine Street- Suite A  
> Burlington, VT 05401  
> 802-865-7188 (main)  
> 802-863-0466 (fax)  
> [www.burlingtonvt.gov/PZ](http://www.burlingtonvt.gov/PZ)  
> Check on your permit's status here: <https://www.burlingtonvt.gov/PZ/Status>  
>  
> Please note that this communication and any response to it will be maintained as a  
public record and may be subject to disclosure under the Vermont Public Records Act.  
>  
>  
>  
> -----Original Message-----  
> From: Joseph Campanella Cleary <[campanella.cleary@gmail.com](mailto:campanella.cleary@gmail.com)>  
> Sent: Monday, July 27, 2020 1:18 PM  
> To: Alison Davis <[adavis@burlingtonvt.gov](mailto:adavis@burlingtonvt.gov)>  
> Subject: 400 North St.  
>  
> [WARNING]: External Message  
>  
>  
> Hello,  
> I'm looking for more information on ZP# 21-0076CA/CU, demolition and construction  
proposed for 400 N. Street.  
> Do you have the application and plans (all documents submitted by applicant) in an  
electronic form that you could email, or do I need to stop by the office?  
>  
> Thanks!  
>  
> Joe Cleary  
> 158 N. Willard St.  
> <400 north st052546.pdf>

















